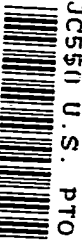


A/RE #6

11/11/97



REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Habing et al.
U.S. Pat. No. 5,499,956
Issued: March 19, 1996
Title: ARTICULATED LOWER BODY EXERCISER
Serial No: 08/199,665
Filed: February 22, 1994

REISSUE APPLICATION TRANSMITTAL LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Certificate of Mailing

I hereby certify that this Transmittal Letter and the documents listed below are being deposited with the United States Postal Service as Express Mail No. EI734716862US, in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on this 11th day of November, 1997.

Mark A. Krull
Mark A. Krull

Enclosed are the following items for filing in the above-referenced reissue application:

1. A copy of U.S. Pat. No. 5,499,956, submitted in accordance with MPEP 1416.
2. The specification and claims of U.S. Pat. No. 5,499,956, submitted in accordance with MPEP 1411.
3. Newly added claims 10-30, submitted in accordance with MPEP 1453.
4. Copies of the drawings in U.S. Pat. No. 5,499,956 and a letter requesting transfer of the drawings from the original patent file, submitted in accordance with MPEP 1413.
5. Declaration of the Assignee of U.S. Pat. No. 5,499,956.

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6. Request for a Title Report and accompanying check for \$25.00.
7. Information Disclosure Statement, Form PTO-1449, and copies of the cited references.
8. Request that an Interference be Declared.
9. Return Post Card.

Please note that the filing of the oath or declaration and the filing fee is being deferred in accordance with MPEP 1403, 1410.

REISSUE APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Habing et al.
U.S. Pat. No. 5,499,956
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REQUEST THAT AN INTERFERENCE BE DECLARED

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This document is being filed in accordance with 37 C.F.R. 1.607 to request that an interference be declared between the above-identified reissue application and U.S. Pat. No. 5,573,480 to Rodgers, Jr.

The proposed count is as follows:

An exercise device, comprising:

a frame having a base portion adapted to be supported by a floor;

first and second reciprocating members, each reciprocating member having a first end and a second end;

a rotating member supported by said frame and defining a pivot axis;

means for attaching said second ends of said first and second reciprocating members to said rotating member so that rotation of said rotating member results in rotation of said second ends of said first and second reciprocating members

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in a substantially circular path about said axis while a portion of each of said first and second reciprocating members distal said second end of each said first and second reciprocating member moves in a reciprocating pattern;

a first foot supporting linkage assembly pivotally connected to said first reciprocating member proximate said first end of said first reciprocating member; and

a second foot supporting linkage assembly pivotally connected to said second reciprocating member proximate said first end of said second reciprocating member,

wherein each foot of the user of the device is movable through a substantially elliptical path.

Claim 10 of the Rodgers, Jr. patent corresponds substantially to the proposed count. Claim 14 of the Rodgers, Jr. patent also corresponds substantially to the proposed count.

Claim 10 in the above-identified application corresponds exactly to the proposed count. Claim 13 in the above-identified application corresponds substantially to the proposed count. The differences between claims 10 and 13 of the above-identified application are comparable to the differences between claims 10 and 14 of the Rodgers, Jr. patent.

Claim 11 in the above-identified application corresponds substantially to claim 11 of the Rodgers, Jr. patent, and claim 14 in the above-identified application corresponds substantially to claim 15 of the Rodgers, Jr. patent.

Claim 12 in the above-identified application corresponds substantially to claim 10 of the Rodgers, Jr. patent, and claim 15 in the above-identified application corresponds substantially to claim 14 of the Rodgers, Jr. patent.

Claims 16-23 read upon the device disclosed in the Rodgers, Jr. patent and therefore, might also be considered relevant to this request.

All of the limitations in claims 10-23 of the above-identified application are shown in Figure 3 of the original patent drawings.

Respectfully submitted,

MAKell

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